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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IMPLICIT NETWORKS, INC.,

Plaintiff,

v.

JUNIPER NETWORKS, INC.,

Defendant.

Case No. C 10-4234 SI

**STIPULATION REGARDING
AMENDED JUDGMENT AND
[PROPOSED] AMENDED
JUDGMENT**

STIPULATION REGARDING AMENDED JUDGMENT

Case No. C 10-4234 SI

Pursuant to Civil Local Rule 7-12 and Rules 59 and/or 60 of the Federal Rules of Civil Procedure, Plaintiff Implicit Networks, Inc. ("Implicit") and Defendant Juniper Networks, Inc. ("Juniper") hereby stipulate through their respective counsel of record as follows:

WHEREAS, on March 13, 2013, the Court issued an order granting Juniper's motions for summary judgment of non-infringement and invalidity (Dkt. No. 205);

WHEREAS, on March 14, 2013, the Court entered judgment in this matter in favor of Juniper and against Implicit (Dkt. No. 206) ("Judgment");

WHEREAS, the Judgment does not expressly address Juniper's counterclaim for a declaratory judgment of unenforceability for the patents-in-suit (*see* Dkt. No. 25);

WHEREAS, under Federal Circuit precedent, a "pending unenforceability counterclaim renders the district court's judgment nonfinal for purposes of appeal" (*Enzo Biochem, Inc. v. Gen-Probe Inc.*, 414 F.3d 1376, 1379 (Fed. Cir. 2005));

WHEREAS, the parties agree that, for the avoidance of doubt, an amended judgment should be issued to avoid any unnecessary delay in the appeal proceedings and to ensure compliance with the final judgment rule;

WHEREAS, the parties agree that Juniper's unenforceability counterclaim should be dismissed without prejudice as moot in light of the Court's summary judgment order;

NOW THEREFORE, the parties through their undersigned counsel stipulate and agree that the Court should enter the Amended Judgment submitted herewith.

IT IS SO STIPULATED.

Date: May 28, 2013

Respectfully and jointly submitted,

/s/ Nima Hefazi

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1 I hereby attest pursuant to General Order 45.X.B. that concurrence in the electronic
2 filing of this document has been obtained from the other signatories.

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4 DATED: 5/28/2013

/s/ Nima Hefazi

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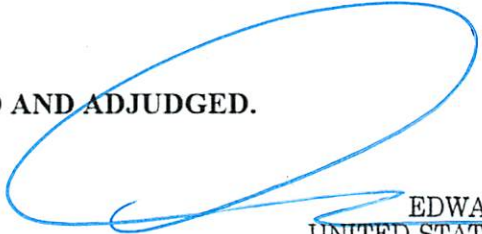
~~[PROPOSED]~~ AMENDED JUDGMENT

The Court hereby enters this amended judgment in favor of defendant Juniper Networks, Inc. ("Juniper") and against plaintiff Implicit Networks, Inc. ("Implicit") as follows:

1. Claims 1, 15, and 35 of U.S. Pat. No. 6,629,163 and claims 1, 4, and 10 of U.S. Pat. No. 7,711,857 are found to be invalid and not infringed by Juniper for the reasons set forth in the Court's summary judgment order dated March 13, 2013 (Dkt. No. 205).
2. Juniper's counterclaim for a declaratory judgment of unenforceability is dismissed without prejudice as moot in light of the Court's summary judgment order.
3. Juniper's request for an exceptional case finding and award of attorneys' fees under Section 285 is denied for the reasons set forth in Dkt. No. 237.

IT IS SO ORDERED AND ADJUDGED.

Dated: May 6, 2013
JUNE 6, 2013


EDWARD M. CHEN
UNITED STATES DISTRICT JUDGE
for Honorable Susan Illston
United States District Judge

Attorneys for Defendant
JUNIPER NETWORKS, INC.

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